

M105110008
Outgoing
7418

Leslie Heppler <lheppler@utah.gov>



Daniels Canyon Draft Review

1 message

Leslie Heppler <lheppler@utah.gov>

Thu, Jul 14, 2016 at 10:37 AM

To: "Dalley, Mike (Staker & Parson)" <Mike.Dalley@stakerparson.com>, "Hinkins, Bryson (Staker & Parson)"

<Bryson.Hinkins@stakerparson.com>

Cc: Paul Baker <paulbaker@utah.gov>

The attached review is a **draft** copy of the OGM review of your latest submittal received on June, 9, 2016. The edited copy of the review will be finalized, signed and sent out as soon as possible. Certain portions of the review are incomplete at this time, due to either lack of information, incomplete information, or inconsistent data in the NOI.

The following areas of the permit have not been reviewed at this time:

- Groundwater

All of the above sections will be reviewed in your finalized, signed review.

It is the goal of OGM to send out the most thorough and detailed review possible as per R647-4-101. 1.

If you have any further questions please don't hesitate to call me at [801-538-5257](tel:801-538-5257) thx-lah

—
Utah Division of Oil, Gas & Mining
Office hours - Mon thru Fri 8-5
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Thank you for reading this electronic correspondence.
Please consider the environment before printing.

**REV5-7418-07072016emailcopy.docx**

55K

DRAFT

July 7, 2016

Michael Dalley
Staker Parson Companies
89 West 13490 South, Suite 100
Draper, Utah 84020

Subject: Fifth Review of Notice of Intention to Commence Large Mining Operations, Staker Parson Companies, Daniels Canyon Mine, M/051/0008, Wasatch County, Utah

Dear Mr. Dalley:

The Division of Oil, Gas and Mining has reviewed the referenced Notice of Intention to Commence Large Mining Operations (Notice) which was received June 17, 2016. The attached comments will need to be addressed before tentative approval may be granted.

The comments are listed under the applicable Minerals Rule heading; please format your response in a similar fashion. Please address only those items requested in the attached technical review by sending replacement pages for the original Notice using redline and strikeout text. After the Notice is determined technically complete, the Division will ask that you submit two clean copies. Upon final approval, both will be stamped approved, and one copy will be returned for your records.

Please submit your response to this review by August 25, 2016.

The Division will suspend further review of the Notice of Intention until your response to this letter is received. Please contact Leslie Heppler, at 801-538-5257 or me at 801-538-5261 if you have questions concerning the review. Thank you for your cooperation in completing this permitting action.

Sincerely,

Paul B. Baker
Minerals Program Manager

PBB:lah:eb
Attachment: Review
cc: Wasatch County – planning@co.wasatch.ut.us
O:\M051-Wasatch\M0510008-DanielsCyn\Draft\REV5-7418-07072016emailcopy.docx

Fifth Review
Page 2 of 8
M/051/0008
July 7, 2016

**Fifth REVIEW OF NOTICE OF INTENTION
TO COMMENCE LARGE MINING OPERATIONS**

**Staker Parson Companies
Daniels Canyon
M/051/0015
July 7, 2016**

General Comments:

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| 1 | | The Division may have additional comments based on the review responses. | lah | |

R647-4-104 – Operator Information and Surface and Mineral Ownership

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| 2 | Page 7 | As noted, please add ownership of minerals when the data is completed. | lah | |
| 3 | Page 7 | The Division's lead agrees with Operators comment D5 | lah | |

R647-4-105 - Maps, Drawings & Photographs

General Map Comments

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
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105.1 - Topographic base map, boundaries, pre-act disturbance

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Figure 3 | Please show items required in R647-4-105.1, including other bodies of water (irrigation canal), electrical transmission lines, water wells, oil and gas pipelines, etc. within 500' of the permit boundary | lah | |
| | | | | |

105.2 - Surface facilities map

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
| | | | | |

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Figure 3 | There are several other facilities shown on the figure that will need to be accounted for in the surety calculations. Please label all. If the operator is not clear what the lessee has on site, simply label as Facility a, b, c and include the dimension in the calculations. | lah | |
| | Fig. 7 | The "future disturbed mining area" to the south half of the permit area shown on Fig. 6 will directly impact the flow regime of Basin 2. Check dams shown may filter the run-on water coming from the up-gradient portion of the basin, but it will become the responsibility of the operator to capture it once it runs through the exposed working area. Consider diverting the run-on around the proposed future work area to reduce the size of the treatment basin needed at the outfall of the disturbed area. | mpb | |
| | Fig. 7 | It is not clear if the "drainage berm" shown is supposed to conduct runoff from the future disturbed area to the existing sediment ponds or not. Please put surface flow directional arrows on the map to show how the system will work. If the berm is not diverting water to the sediment ponds, a sediment pond will be needed to treat the runoff from the future work area (recommended). | mpb | |
| | Fig. 8 | A 100-yr/24-hr storm was used for the calculations. A 100-yr/6-hr storm might be more appropriate. As calculated, the sediment ponds don't have enough volume to capture the runoff from the current design storm. | mpb | |
| | Fig. 8 | Please explain how a C-factor of 0.33 was determined. The pre-disturbance soil types are approximately a 60-40 split of Type A and Type B soils, with 25-40% slopes. However, with the soil being removed and exposed rock as the runoff surface in roughly 33% of the basin areas, the overall C-factor may increase to as high as 0.50 or 0.60. Runoff volumes should be calculated for the disturbed area conditions. | mpb | |
| | Fig. 8 | Show the locations of culverts under US-40 and identify the receiving waters on the southwest side of the highway. | mpb | |

105.3 - Drawings or Cross Sections (slopes, roads, pads, etc.)

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Figure 9 | It is not clear how the middle 2H:1V highwall will be accessed | lah | |
| | Figure 10 | Please include horizontal distance on the cross sections or include a note that there is no vertical exaggeration. | | |

R647-4-106 - Operation Plan

General Operation Comments

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
| | | | | |
| | | | | |

106.2 - Type of operations - mining method, onsite processing, deleterious or acid-forming materials

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Pg. 9 | Please be aware that deleterious materials include any materials regulated by the Utah Department of Environmental Quality as hazardous wastes, including fuels, oils, reagents, and solid wastes. Though the operator's intention is to remove all such wastes at the end of mine life, for bonding purposes, the Division must assume the worst-case scenario that any such wastes that are, or will be, on site will remain on site and have to be properly handled and disposed by the Division using the bond. Please list and quantify any hazardous materials that will be used on site, or be part of any structure or facility on site. | mpb | |
| | Omission | Please describe the vehicle maintenance activities that will be conducted on site, how they will be refueled and where, how waste oil is collected, the volume of the container(s) where it is stored, and show the locations on Figure 3. The volume and type of fuel contained in the fuel tank can be provided on Figure 3. | mpb | |

106.5 - Existing soil types, location, amount

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|--------------|---------------|
| | | <p><u>Previous comment:</u> <i>The site-specific soil survey conducted by the NRCS indentifies significantly more topsoil (A horizon materials) than the 4-6 inches identified in this section. This section needs to be corrected to reflect the topsoil depths as determined by the NRCS.</i></p> <p><u>New Comment:</u> This comment was not adequately addressed. (see new comment under 106.6) Where is Appendix B (the analytical sampling results were identified as being located in Appendix B)</p> | lk lk | |

106.6 - Plan for protecting & re-depositing soils

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
| | | | | |

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Page 12 | <p><u>Previous Comment:</u></p> <p><i>Please refer to comments made under R647-4-106.3. Also, where in most areas there is in excess of 12 inches of topsoil, please plan to salvage and stockpile a minimum of 12 inches. This section needs to discuss how stockpiles will be protected from erosion or other disturbances until used for reclamation. Finally, this section needs to describe how topsoil will be re-deposited at the time of reclamation. This plan should include the types of equipment to be used as well as the addition of any fertilizers or soil amendments, and the timing of when it will be done.</i></p> <p><u>New Comment:</u></p> <p>It appears that the operator only wants to admit to (and commit to) only 6 inches of soil material. Even the additional testing was done only to the 6-inch depth. As stated previously a site-specific soil survey identified most of the area as having a minimum of 12 inches of soil material. Please revise the NOI to show that a minimum of 12 inches will be salvaged and used for reclamation.. (NOTE: in part 109.3, it does say that in excess of 12 inches of soil <u>can</u> be salvaged in new mining areas (not will be).</p> | lk | |

106.7 - Existing vegetation - species and amount

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | | <p><u>Previous Comment:</u> <i>The vegetation survey provided does not identify the percent ground cover of vegetation for each of the vegetation communities. This data is needed to develop the reclamation success standard.</i></p> <p><u>New Comment:</u> The response to this comment identified the data is in appendix D – Where is appendix D? At this point it is assumed the comment was not addressed..</p> | lk | |

106.8 - Depth to groundwater, extent of overburden, geologic setting

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---------------------------------|----------|---------------|
| | Page12 | Refer in the text to Figure 05. | lah | |

106.9 - Location & size of ore and waste piles, tailings, ponds

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------------|---------------|
| | Pg. 13 | Please identify the 10,000-gal water tank on Figure 3 And include on the surety calculations | mpb lah | |

R647-4-108 - Hole Plugging Requirements

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | Page 15 para 2 | As written “ into a producing and /or monitoring well...” An artesian monitoring well would be a liability to the surface owner (versus a producing well). Please rewrite the statement to conform with R647-4-108. | lah | |

R647-4-109 - Impact Assessment

109.1 – Projected impacts to surface & groundwater systems

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|--|--|----------|---------------|
| | Pg. 15 | Surface Water: “No perennial streams or intermittent waters have been or will be impacted by mining operations.” This statement does not correlate to what is shown in Figures 6, 7 and 9 with relation to impacts to the ephemeral drainage in Basin 2 from future mining included in this NOI. Please describe the impacts to Basin 2, and describe measures that will be taken to mitigate those impacts. | mpb | |
| | Table of Contents, former Appx F, and Pg. 15 | In the Table of Contents, the operator commented in effect that they are not responsible for storm water permitting, “the lessor is in charge of their permit and SWPPP.” (In legal terms, the “lessor” is the party receiving payment for rent as the landlord. A “lessee” is the one paying the rent. Technically, Staker Parsons is the “lessor.”) The NOI then follows up in Section 109.1 with “The site storm water pollution prevention plan (SWPPP) will be located with the Staker Parsons Companies Area Manager for review. A copy of the storm water permit (NOI) will be located in Appendix F.” Two issues here: 1) This contradiction needs to be resolved. 2) An original or up-to-date copy of the SWPPP must be maintained on site so that employees can refer to it when needed, it can be updated as needed with required periodic documentation, and it is available for inspection by regulatory authorities. As the facility owner and operator of record in this NOI, Staker Parsons is ultimately responsible for meeting all permit requirements with the State, and would be the primary responsible party in the event of any situations that would result in a violation, including any violations of the Clean Water Act. In the event that the current lease agreement with J.B. Gordon Construction is terminated, the mine will still require a UPDES permit and SWPPP while inactive until it is fully reclaimed. | mpb | |
| | Pgs. 14 & 15, & Fig. 8 | Under “Water Storage/Treatment Ponds:” (Pg. 14) and “Surface Water:” (Pg. 15), it is stated that storm water controls were designed to handle a 10-yr/24-hr rain event. However on Figure 8, the calculations are for a 100-yr/24-hr event. Please clarify. | mpb | |

109.2 – Potential impacts to threatened & endangered wildlife/habitat

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
|-----------|------------------------|----------|----------|---------------|

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | | <p><u>Old Comment:</u> <i>When will the wildlife surveys be done? Please provide the month each survey will be done and provide a date for submittal of the reports. (referring to the survey s for the short-eared owl and the smooth greensnake)</i></p> <p><u>New Comment:</u> The response to this comment is not acceptable (all that was done was removing the statement, “Based on the findings, further surveys will be performed for the sort-eared owl and the smooth greensnakes when the timing is best to do so” Please provide an appropriate response to the original comments..</p> | lk | |
| | | | lk | |

109.3 – Projected impacts on existing soils resources

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | | <p><u>Old Comment:</u> <i>Topsoil stockpiles should be relatively shallow (less than 15 feet) and should not have steep sides (3H:1V or flatter preferred). A 1.5H:1V slope on the stockpiles is likely to have erosion problems. If the slopes absolutely must be this steep, special erosion control measures may be needed, such as erosion control blankets, mulch, etc. Please describe the additional erosion control measures to be used in addition to seeding in the fall to prevent erosion if stockpiles are to be steeper than 2.5H:1V. Will other protection measures be employed to prevent disturbances to stockpiles, such as berms and signage?</i></p> <p><u>New Comment:</u> Other than removing the statement that topsoil storage piles will have slopes no greater than 1.5H:1V, this comment was not addressed.</p> | lk | |

109.4 – Projected impacts on slope stability, erosion control, air quality, public health and safety

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | | As written "No slopes greater than 2H:1V will exist..." As shown the cross section and observed on the site visit, there are currently slopes steeper than "2H:1V". Please rewrite for accuracy. | lah | |

109.5 - Actions to mitigate any impacts

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|----------|----------|---------------|
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110.2 – Reclamation of roads, highwalls, slopes, impoundments, drainages, pits, piles, shafts, adits, etc

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|--|----------|---------------|
| | Pg. 19 and Fig. 9 | Drainages: "Drainages on site will be left in the natural state." Not according to Figure 9, that shows that the ephemeral drainage for Basin 2 would not be restored, but left as a flat area. The cross section drawings on Figure 10 also indicate that the floor of the pit would be sloped back toward the cut slopes, which would impound water, not pass it through the site. Revise Figure 10 to indicate a channel through the pit floor for Basin 2. | mpb | |

110.3 - Facilities to be left for post mining use (buildings, utilities, roads, pads, ponds, pits, equipment, etc.)

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | Pg. 19 | "All ditches and ravines important to the natural movement of water will remain after reclamation." See comment in 110.2 above. | mpb | |

110.4 - Description or treatment/location/disposition of deleterious or acid forming materials, including map

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | Pg. 20 | Provide line items in the bond calculations to allow the Division to conduct the remediation of any hazardous materials that would be left on site in a worst-case scenario. This would include emptying and disposing of the fuel tank, waste oil, hydraulic fluid, and antifreeze collection and disposal, and removal of other regulated hazardous wastes. | mpb | |

R647-4-112 - Variance (List all variances requested and make a finding if approving.)

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | | None requested – no further action needed | lah | |

R647-4-113 – Surety

| Comment # | Sheet/Page/Map/Table # | Comments | Initials | Review Action |
|-----------|------------------------|---|----------|---------------|
| | Page 22 | The 2007 bond document held by Wasatch County does not indicate that OGM is co-named on the bond. It is preferable to have the bond held by the Division. Please provide OGM with the Wasatch County contact. | lah | |
| | | Please submit detailed reclamation cost estimates using the Division's bond forms. | whw | |